

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 12 Misc. 0115 (JSR)

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as
THE ROYAL BANK OF SCOTLAND, N.V.),
and RYE SELECT BROAD MARKET XL
FUND, LP,

Defendants.

No. 11 Civ. 06878 (JSR)

Adv. Pro. No. 10-05354 (BRL)

**NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT
PURSUANT TO SECTION 546(g) OF THE BANKRUPTCY CODE**

PLEASE TAKE NOTICE THAT, upon the accompanying declaration of Michael S. Feldberg dated September 5, 2012, and the accompanying memorandum of law dated September 5, 2012, defendant ABN AMRO Bank N.V. (presently known as the Royal Bank of Scotland N.V.) ("RBS/ABN"), will move this Court before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York, 10007, on the 1st of November, 2012 at 5:00 pm, for an order pursuant to Rules 8, 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the amended complaint with prejudice on the grounds that the Trustee's claims against RBS/ABN are barred by section 546(g) of the Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that pursuant to the scheduling conferences held on August 16 and September 5, 2012 and the agreement of the parties, the Trustee's opposition papers shall be served and filed on or before September 25, 2012, and RBS/ABN's reply papers shall be served and filed on or before October 5, 2012.

Dated: New York, New York
September 5, 2012

ALLEN & OVERY LLP

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